

46 Am. Jur. 2d Judges § 160

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Judges

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IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

5. Prior Participation in, Connection with, or Knowledge of the Case or Parties as Grounds for Disqualification

c. Prior Participation in or Connection with Case as Attorney as Grounds for Disqualification

§ 160. Judge's former role as counsel for criminal defendant in previous civil action as grounds for disqualification

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  47(1), 47(2)

In criminal cases, an attempt has sometimes been made to disqualify a judge on the ground that he or she had been of counsel in a prior civil action or matter.¹ In some cases, it has been found that the judge is not disqualified, usually on the basis that the issues or subject matter are not the same.² In other cases, where the issues or subject matter are the same, the judge has been found disqualified.³

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Footnotes

- 1 [State v. McNamara](#), 212 N.J. Super. 102, 514 A.2d 63 (App. Div. 1986).
- 2 [Fordham v. State](#), 148 Ga. 758, 98 S.E. 267 (1919); [Swidan v. State](#), 156 Tex. Crim. 29, 238 S.W.2d 537 (1951); [State v. O'Connor](#), 117 Vt. 176, 86 A.2d 924 (1952).
- 3 [Barnes v. State](#), 47 Tex. Crim. 461, 83 S.W. 1124 (1904).

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